

Notice of Allowability

Application No.

09/629,323

Applicant(s)

ALLSUP, JAMES F.

Examiner

Alexander Kalinowski

Art Unit

3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/27/2006 Examiner's Amendment.
2. ☒ The allowed claim(s) is/are 1,5,8,11-13,15 and 17-19.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
- ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- ☐ Notice of Informal Patent Application
- ☒ Interview Summary (PTO-413), Paper No./Mail Date 11/27/2006.
- ☐ Examiner's Amendment/Comment
- ☒ Examiner's Statement of Reasons for Allowance
- ☐ Other _____

Alexander Kalinowski
SPE
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DETAILED ACTION

1. Claims 1, 8, 11, 12, and 17 are amended, claim 20 is cancelled by Examiner's Amendment dated 11/27/2006. Claims 1, 5, 8, 11-13, 15 and 17-19 are pending in the instant application.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ned Randle on 11/27/2006.

In the claims:

1. (currently amended) A method of obtaining Social Security disability insurance benefits (SSDI) from the Social Security Administration (SSA) for a disabled individual, recovering overpaid benefits made by a third party and providing services to the disabled individual after obtaining SSDI from the SSA comprising:
determining if the disabled individual qualifies to receive SSDI;
obtaining from the disabled individual by a service provider preauthorization for direct recovery of the overpaid benefits from a deposit account;

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filing a claim with the SSA for SSDI on behalf of the disabled individual;
obtaining SSDI for the disabled individual as a result of the filing of the claim with the SSA, said SSDI being directly deposited by the SSA into the deposit account; and electronically recovering from the deposit account by use of a computer by the service provider a preauthorized, predetermined amount of overpaid benefits previously provided to the disabled person by the third party, after the deposit of SSDI by the SSA in the deposit account.

2. (canceled)

3. (canceled)

4. (canceled)

5.. (previously presented) The method of claim 1 further comprising providing ancillary financial services to the disabled individual after determining if the disabled individual qualifies to receive SSDI, wherein the ancillary financial services include financial assistance by extending funds to the claimant for use by the claimant before there is an award of SSDI for the disabled individual.

6. (canceled)

7. (canceled)

8. (currently amended) A method of improving the rate of recovery and decreasing collection time from a claimant of an overpaid disability insurance benefit after an award of SSDI and the claimant's receipt of SSDI payments comprising obtaining authorization from the claimant for electronic capture of the overpaid disability insurance benefit by a service provider before the receipt of SSDI payments,

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establishing direct deposit of SSDI in a deposit account, and then electronically capturing from the deposit account by use of a computer by the service provider, a predetermined amount of long-term disability benefits previously provided to the disabled person by a third party, wherein the electronic capture is completed after a SSDI payment is directly, deposited in the deposit account but before it is removed from the deposit account by the disabled individual.

9. (canceled)

10. (canceled)

11. (currently amended) A data processing system for managing a disability insurance overpayment recovery service for recovery of an overpaid disability benefit from a disabled individual comprising:

a computer processor for processing data; and

computer software configured to perform data processing functions comprising:

- a). determining if the disabled individual qualifies to receive SSDI from the SSA;
- b). filing a claim with the SSA on behalf of the disabled individual;
- c). monitoring the progress of the claim for SSDI and receipt of an award of SSDI from the SSA;
- d). calculating an overpaid amount of long-term disability insurance benefits for which the disabled individual has authorized withdrawal by a service provider prior to receiving a SSDI award; and
- e). recovering from a deposit account approved by the SSA for direct deposit of SSDI benefits by the service provider the calculated overpaid amount of long-term

disability benefits previously provided to the disabled person by a third party, after the award of SSDI by SSA and receipt of SSDI payments.

12. (currently amended) A method of obtaining SSDI for a claimant and recovering an overpayment of long-term disability benefits paid by a third party comprising:

determining if the claimant qualifies for SSDI from the SSA;

filing a claim for the claimant with the SSA to qualify for SSDI;

determining if the claimant qualifies for a recovery of an overpayment of long-term disability benefits paid to the claimant by a third party;

obtaining authorization from the claimant to recover by a service provider the

overpayment of long-term disability benefits paid to the claimant by the third party;

obtaining access to a deposit account approved by the SSA for direct payment of a SSDI benefit held by the claimant;

establishing direct transfer of SSDI from the SSA to the deposit account;

calculating an amount of overpayment of long-term disability benefits in the deposit account paid to the claimant by a third party based upon a disability benefit previously provided by the third party;

determining a date of the direct transfer of SSDI from the SSA to the deposit account;

accessing the deposit account held by the claimant;

electronically recovering from the deposit account held by the claimant the calculated overpayment amount by use of a computer by the service provider; and

returning the calculated overpayment amount to the third party.

13. (original) The method of claim 12 further comprising deducting applicable fees from the calculated overpayment amount to the third party.

14. (canceled)

15. (previously presented) The method of claim 12 further comprising providing ancillary financial services to the claimant before obtaining direct transfer of SSDI from the SSA to the deposit account comprising the advancement of funds to the claimant for use by the claimant until the claimant obtains direct payment of SSDI.

16. (canceled)

17. (currently amended) A method of obtaining Social Security disability insurance benefits (SSDI) from the Social Security Administration (SSA) for a disabled individual, and recovering overpaid benefits made by a third party after obtaining SSDI from the SSA comprising:

determining if the disabled individual qualifies to receive SSDI;

obtaining preauthorization from the disabled individual to electronically recover funds from a deposit account by a service provider;

filing a claim with the SSA for SSDI on behalf of the disabled individual;

establishing direct deposit of SSDI by SSA into the deposit account;

obtaining an award of SSDI for the disabled individual as a result of the filing of the claim with the SSA; and

electronically recovering from the deposit account by use of a computer by the service provider a predetermined amount of long-term disability benefits previously provided to the disabled person by a third party, after the award of SSDI by SSA and the disabled

individual's receipt of SSDI payments.

18. (original) The method of claim 17 comprising a step of obtaining from the disabled individual preauthorization for electronic recovery of a predetermined amount of long-term disability, benefits from a deposit account prior to obtaining an award of SSDI.

19. (original) The method of claim 17 further comprising the step of obtaining a date of deposit of a SSDI benefit to the deposit account by the SSA after filing a claim with the SSA for SSDI.

20. (cancelled)

Allowable Subject Matter

3. Claims 1, 5, 8, 11-13, 15, and 17-19 are allowed.

4. None of the prior art of record, taken individually or in any combination, teach or suggest "obtaining from an individual authorization for direct recovery of overpaid benefits from a deposit account by a service provider and recovering from the deposit account by use of a computer by the service provider a predetermined amount of overpaid benefits previously provided to the individual" as recited in independent claims 1, 8, 11, 12, and 17.

Applicant's remarks in the 1/15/2005 response are persuasive with respect to the applied prior art of record, namely Social Security Disability Consultants (SSDC) (29 October 1993), "Allsup Inc.'s Overpayment Recovery Service"(hereinafter Allsup) and Richman et al., Pat. No. 6,635,582 (hereinafter Richman) references. In particular, Applicant argued on page 11 that the combination of references do not disclose all the

limitations of the independent claims in particular in a system or method for obtaining overpayment of long term benefits, obtaining from an individual authorization for direct recovery of overpaid benefits from a deposit account by a service provider and recovering from the deposit account by use of a computer by the service provider a predetermined amount of overpaid benefits previously provided to the individual. The Examiner finds Applicant's arguments persuasive and withdraws the rejection of claims 1, 5, 8, 11-13, 15, and 17-19 based on 35 USC 103.

The prior art most closely resembling Applicant's claimed invention are as follows:

SSDC, Allsup and Richman.

SSDC discloses a service which enables claimants to pay for various services provided. In SSDC, a claimant may obtain assistance in filing a claim for Social Security Disability Insurance (SSDI). SSDC processes and coordinates any claims presented on behalf of the claimant for SSDI awards. In addition, the service can coordinate overpayment recovery stemming from any SSDI awards to the claimant. However, SSDC does not explicitly disclose obtaining overpayment of long term benefits, obtaining from an individual authorization for direct recovery of overpaid benefits from a deposit account by a service provider and recovering from the deposit account by use of a computer by the service provider a predetermined amount of overpaid benefits previously provided to the individual.

Allsup discloses a service for processing claims on behalf of claimants for SSDI. In addition, Allsup discloses monitoring a claimant's account with SSDI and informing

the claimant of any overpayment recovery amounts stemming from the award of SSDI benefits. However, Allsup does not explicitly disclose obtaining overpayment of long term benefits, obtaining from an individual authorization for direct recovery of overpaid benefits from a deposit account by a service provider and recovering from the deposit account by use of a computer by the service provider a predetermined amount of overpaid benefits previously provided to the individual.

Richman discloses a service for the use of disbursements from an individual's retirement benefits. It is noted that the Richman reference is not related to SSDI or overpayment recovery resulting from the grant of SSDI benefits. Furthermore, Richman does not explicitly disclose obtaining overpayment of long term benefits, obtaining from an individual authorization for direct recovery of overpaid benefits from a deposit account by a service provider and recovering from the deposit account by use of a computer by the service provider a predetermined amount of overpaid benefits previously provided to the individual.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. GB 2370892 A discloses an Internet Data Management system that can be used by customers of an insurance company for various services including processing refunds.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Kalinowski, whose telephone number is (571) 272-6771. The examiner can normally be reached on Monday to Friday from 10:00 AM to 6:30 PM. If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Alexander Kalinowski, can be reached on (571) 272-6771. The fax telephone number for this group is (571) 273-8300 (for official communications including After Final communications labeled "Box AF").



**ALEXANDER KALINOWSKI
SUPERVISORY PATENT EXAMINER**